

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUTOMATED SYSTEMS, INC., A Nebraska
Corporation; and INSITE DATA SYSTEMS,
INC., A Nebraska Corporation;

Plaintiffs,

vs.

FIRST STATE BANK HAWARDEN, IOWA,
Inc., An Iowa Corporation;

Defendant.

4:12CV3059

MEMORANDUM AND ORDER

In response to defendant's discovery, the plaintiffs have objected to producing:

A duplicate of any communications between ASI or Insite with any bank other than First State Bank, involving a contract where the software being converted at the client bank was the same brand as the software converted at First State Bank.

(Filing No. 33).

The plaintiffs object to request 24, arguing the discovery request seeks documentation which could include the confidential bank account numbers and balances of third parties unrelated to this lawsuit, and asserts these third parties should be afforded notice of the request before the court decides if production is required. The defendant argues it is entitled to discover whether any other customer of the plaintiffs experienced problems similar to the defendant's when transitioning to plaintiffs' banking software.

The discovery requested is relevant and is not privileged. Moreover, the requests seek communications with the plaintiffs, and not communications between two or more third parties. Under such circumstances, the court rejects plaintiffs' claim that the third parties must be notified and given an opportunity to object to the defendant's discovery request. Accordingly,

IT IS ORDERED:

- 1) Plaintiffs' objection, (Filing No. 33), is denied.
- 2) On or before April 30, 2013, the plaintiffs shall fully respond to request for production no. 24. However, any specific bank customer names, account numbers, or balances shall be redacted before the documents are produced.

April 16, 2013.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge